

Appl. No. 09/747,238
Amdt. Dated November 21, 2005
Reply to Final Office Action of September 20, 2005

REMARKS

Claims 2-9 and 11-14 and 20-28 are pending in the present application.

This Amendment is in response to a Final Office Action mailed September 20, 2005. In the Office Action, claims 2-9 and 11-28 were rejected under 35 U.S.C. §103(a). Applicants have cancelled claims 15-19, and believe that independent claims 3, 9, 20 and 25 are allowable because a prima facie case of obviousness has not been established. Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

A. CLAIMS 2-7, 9 AND 12-13

In the Office Action, claims 2-7, 9 and 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davis (U.S. Patent No. 5,819,939) in view of Menczes ("Handbook of Applied Cryptography") and Levy (U.S. Patent No. 6,212,633). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of obviousness.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2143. At a minimum, Applicant respectfully contends that the combination of Davis, Menezes and Levy does not teach or suggest all of the claim limitations set forth in the above-listed claims.

Appl. No. 09/747,238
Amdt. Dated November 21, 2005
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The Office Action states that the shared secret key of Davis is equivalent to the "long-term value" as claimed. See Page 3, Paragraph 5 of the Office Action. Moreover, the Office Action further states that the session key of Davis should be construed as the short-term value and also the secret value as claimed. See Page 3, Paragraph 5 of the Office Action. Applicant respectfully submits that this interpretation is contrary to the proper interpretation of the claimed elements set forth in independent claims 3 and 9.

As an example, with respect to independent claims 3 and 9, Applicant respectfully submits that neither Davis, Menezes nor Levy, alone or in any combination, describe or render obvious a secret value being a combination of both data (long term value) and a short term value. In accordance with the Examiner's interpretation that the secret value is equivalent to the session key of Davis, this would require that the session key of Davis also be a combination the shared secret key and itself (short-term value = session key per Office Action). Hence, this interpretation is improper because, as claimed, the secret value must differ from the short term value since it is a combination of the short-term value and the long term value, especially where this combination is the hash result of these values (claim 8).

Hence, Applicant respectfully submits that a prima facie case of obviousness has not been established and respectfully requests withdrawal of the §103(a) rejection as applied to independent claims 3 and 9 and those claims dependent thereon.

B. CLAIMS 8 AND 14

In the Office Action, claims 8 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davis in view of Menezes and Levy. Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of obviousness.

As previously mentioned, the shared secret key of Davis is interpreted as the "long-term value" while the session key of Davis should be construed as both the short-term value and the secret value as claimed. See Page 3, Paragraph 5 of the Office Action. In accordance with this

Appl. No. 09/747,238
Amdt. Dated November 21, 2005
Reply to Final Office Action of September 20, 2005

interpretation, it is allegedly suggested that the hashing operation of Menezes suggests that the session key is formed as a hashed result of the shared secret key and itself (short-term value = session key per Office Action). Clearly, this interpretation is erroneous because, if the short-term value and the secret value as considered by the Examiner are the same value, it is impossible for this value to be a hash result of another value and itself.

Hence, Applicant respectfully submits that a prima facie case of obviousness has not been established and respectfully requests withdrawal of the §103(a) rejection as applied to dependent claims 8 and 14.

C. CLAIM 11

In the Office Action, claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Davis in view of Menezes, Levy and Burns. Applicant respectfully traverses the rejection because a prima facie case of obviousness has not been established for this claim. However, based on the dependency of claim 11 on independent claim 9, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claim 11 is respectfully requested.

D. CLAIMS 15-19

Claims 15-19 have been cancelled without prejudice. While Applicant believes that a prima facie case of obviousness has not been established for these claims, further discussion of these claims is not warranted at this time. Withdrawal of the §103(a) rejections as applied to independent claim 15 and dependent claims 16-19 is respectfully requested.

E. CLAIMS 20-28

Claims 20-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the primary reference (Davis - U.S. Patent No. 5,819,939) in view of at least one secondary reference (Menezes - Handbook of Applied Cryptography). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie

Appl. No. 09/747,238
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case of obviousness and respectfully reasserts the arguments set forth in sections A & B of the Remarks section. Withdrawal of the §103(a) rejections as applied to independent claims 20 & 25 and those claims dependent thereon is respectfully requested.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Susan McFarlane

November 21, 2005

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